



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Group Art Unit: 3694/Conf. 3802

Applicants: van Soestbergen, et al.

Examiner: Basit

Application No.: 10/002,562

Attorney Docket: 10165-001

Title: Method and System for Banking and Exchanging Emission Reduction Credits

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

This Declaration is to establish conception at a date prior to October 24, 2000, which is the effective date of the prior art United States Patent No.: US 6,601,033 filed October 24, 2000 that was cited by the Examiner under 102(e) and 103, followed by diligence in reducing to practice of the invention.

The persons making this Declaration comprise all the inventors of the invention of this application.

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To establish the date of conception followed by diligence in reducing to practice of the invention, the following attached documents are submitted herewith as evidence:

Exhibit A – "Patent - Desc. of Drawings & Preferred Embodiment" (emailed to patent attorney on October 20, 2000).

Exhibit B – Patent - Flow Charts - ALL.doc (emailed to patent attorney on October 20, 2000).

Appendices A, B, and C of the Provisional Application (not attached, but incorporated herein by reference as part of the provisional application file history)

We, the undersigned inventors, citizens of the United States of America, hereby declare and state as follows:

1. We are the co-inventors of the subject matter in the above-identified patent application.
2. All facts relating to conception occurred prior to October 24, 2000.
3. We completed an Invention Disclosure document describing our invention and submitted it along with a number of other electronic files to our patent attorney, Christine Q. McLeod on Friday, October 20, 2000, after 5:00 p.m. (See Exhibits A & B), evidencing conception of our invention prior to October 24, 2000. All or part of these files were attached to the provisional application as Appendix A, B, and C.
4. On information and belief, our patent attorney received and printed the documents referenced in paragraph 3 on Monday October 23, 2000 and began to prepare a provisional patent application.
5. On or before October 30, 2000, our patent attorney transmitted a copy of the draft application to us for review.
6. On October 30, 2000, our patent attorney transmitted a Small Entity Declaration to us for signature and filing with the patent application.
7. On November 1, 2000, just 8 working days after receiving our disclosure, our patent attorney filed provisional application Serial No. 60/245,327 from which priority is claimed for the above-referenced application, evidencing constructive reduction to practice.
8. On information and belief, my co-inventor and I, as well as our patent attorney, exercised diligence during the critical period from prior to October 24, 2000, to the November 1, 2000 filing date of the patent application.

9. All statements made herein of my own knowledge are true, and all statements made of information and beliefs are believed true. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: _____

Mark van Soestbergen

Date

By: _____

Kent B. Tambling

Date